

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CR-406-FL-1

UNITED STATES OF AMERICA,)
)
)
v.)
)
JOVAN POWELL,)
)
)
Defendant.)

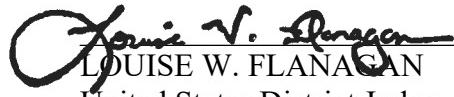
ORDER

This matter is before the court on defendant's motions for reduction of sentence pursuant to the First Step Act of 2018, (DE 10, 15), and the government's motion for revocation of supervised release, (DE 3). On April 22, 2020, defendant filed memorandum in support of the First Step Act motions. Therein, defendant suggests that resolution of the First Step Act motions may render moot the revocation hearing set for June 8, 2020. Accordingly, the court sets the following briefing schedule on the First Step Act motions:

- 1) the government's response to the First Step Act motions is due not later than May 7, 2020; and
- 2) defendant's reply is due not later than May 14, 2020.

The court requests that the parties address, in the foregoing briefing, the court's jurisdiction to rule on defendant's First Step Act motions. Defendant was not sentenced in this court, transfer of jurisdiction occurring solely for purposes of supervised release. (See DE 1). Section 404(b) of the First Step Act provides that "[a] court that imposed a sentence" may impose a reduced sentence for a covered offense, suggesting a First Step Act must be filed in the original sentencing court. See First Step Act of 2018, Pub. L. No. 115-391, § 404(b), 132 Stat. 5194, 5222.

SO ORDERED, this the 23rd day of April, 2020.


LOUISE W. FLANAGAN
United States District Judge